

## PLANNING COMMITTEE – 24 JUNE 2021

### PART I - DELEGATED

#### 8. **21/0832/FUL - Single storey front, side and rear extensions and first floor extension including increase in ridge height to create two storey dwelling and provision of render at THE CONIFERS, SOLESBRIDGE LANE, CHORLEYWOOD, WD3 5SW**

Parish: Chorleywood Parish Council  
Expiry of Statutory Period: 14.06.2021  
(Extension of Time Agreed: 28.06.2021)

Ward: Chorleywood North & Sarratt  
Case Officer: Scott Volker

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application has been called-in by the Parish Council for the reasons set out at 4.1.1 below.

#### **1 Relevant Planning History**

- 1.1 W/516/58 - Outline Application sub-division of land at Farthingale for building plot.
- 1.2 W/995/63 - Bungalow and garage.
- 1.3 W/780/64 - Bungalow and garage.
- 1.4 96/0113 - Single storey rear extension – Permitted April 1996; implemented.

#### **2 Description of Application Site**

- 2.1 The application site contains a detached Chalet-style bungalow located within a rectangular shaped plot on the south-east side of Solesbridge Lane. The dwelling has a two storey front gable projection and has benefitted from a single storey rear extension which has a double pitched roof. There is an integral garage at ground floor level along the east aspect of the building. The dwelling is set in from both flanks and is well set back from Solesbridge Lane. The frontage of the site is comprised of a driveway providing off-street parking for at least three vehicles. The frontage is enclosed by hedging and substantial conifer trees which partially screen the dwelling from view when approaching from the north-east and south-west. The land levels of Solesbridge Lane rise up in a north-east to south-west direction and drop slightly to the rear of the site. A patio area abuts the rear extension which steps down into a landscaped garden and the private amenity space measures approximately 320sqm.
- 2.2 The neighbouring property to the south-west (Fairfield) is set on higher ground and is also a Chalet-style dwelling which has a cross gabled roof form with dormers contained within the front and rear roofslopes and is set off the common boundary with the application site. The neighbouring property to the north-east (Hazel Bank) has a front section which is single storey with pitched and hipped roofs of differing heights and to the rear it has an existing two storey extension. An outbuilding is also located along the common boundary with the application site, however due to the change in land levels it is screened by the existing boundary treatment between the two sites. The boundary treatments of the application site consist predominantly of close boarded fences between approx. 1.5m and 2m high supplemented by hedging and vegetation.

#### **3 Description of Proposed Development**

- 3.1 Full planning permission is sought for the construction of single storey front, side and rear extensions and first floor extension including increase in ridge height to create two storey dwelling and provision of render.

- 3.2 To the front the existing ground floor front bay feature would be removed to create a new main entrance into the dwelling. In addition a ground floor infill extension is proposed between the bedroom and the existing entrance porch measuring 2.5 metres in width and 4 metres in depth to create an office space. To the rear it is proposed to demolish part of the existing rear kitchen extension so as to square off the ground floor rear elevation and also replace the existing double pitch roof form with a flat roof measuring 3 metres in height which would also contain a skylight above the lounge area. Alterations to fenestration are also proposed to the north-east elevation and alterations are proposed to the internal layout of the ground floor.
- 3.3 The works also include a first floor extension which would have a maximum depth 11 metres and would follow the building line of the remodelled ground floor front elevation and in line with flank elevations of the dwelling, measuring a maximum width of 9.2 metres. A new two storey hipped front projection feature would be created. The additional storey and the creation of a new pitched and hipped form would increase the ridge height of the dwelling by 3.7 metres resulting in a total height of 8.7 metre, sloping down to an eaves height of 5.8 metres. The first floor would comprise of four bedrooms and two bathrooms. Glazing is proposed to all elevations at first floor level. The flank windows would serve a bathroom and stairwell and the plans indicate these would be fitted with obscured glazing and non-opening below 1.7 metres above internal floor level.
- 3.4 The dwelling would retain the yellow brick exterior at ground floor level and to the two storey front projection with the first floor primarily comprising of painted white render. Grey roof tiles would be used and the fenestration would be framed in a grey colour.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Chorleywood Parish Council: Objections – CALL IN**

The Committee has objections to this application on the following grounds and wish to CALL-IN, unless officers are minded to refuse planning permission.

Should the plans or supporting information be amended by the applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

- The size and scale of the proposed development
- Out of keeping within the street scene
- Concern that there is no garage and that there should be at least three car parking spaces for this development

#### **4.1.2 National Grid: No response received.**

#### **4.1.3 Landscape Officer: Awaiting comments**

### **4.2 Public/Neighbour Consultation**

#### **4.2.1 Number consulted: 7**

#### **4.2.2 No of responses received: 2 objections, 0 letters of support**

#### **4.2.3 Site Notice: Posted 27.04.2021 Expired: 19.05.2021      Press notice: Not applicable**

#### **4.2.4 Summary of Responses:**

- Overshadowing
- Overdevelopment
- Loss of privacy

- Loss of light
- Loss of outlook

## 5 Reason for Delay

5.1 None.

## 6 Relevant Planning Policy, Guidance and Legislation

### 6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would ‘significantly and demonstrably’ outweigh the benefits.

### 6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM6, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020): Policy 2 is relevant.

### 6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

## **7 Planning Analysis**

### **7.1 Impact on Character and Street Scene**

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows and doors and materials. With regards to increases in ridge height the Design Criteria at Appendix 2 states that will be assessed on their own merits. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council. In addition, development at first floor and above should be set in from flank boundaries by a minimum of 1.2 metres so as to prevent a terracing effect.
- 7.1.3 Policy 2 of the Chorleywood Neighbourhood Development Plan states that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.
- 7.1.4 Solesbridge Lane is characterised by detached dwellings of varying size and design and the ridge heights of the properties reflect the changing land levels as the road rises towards Chorleywood Road. The application is supported by two indicative street scene plans which show how the extended dwelling would sit within the context of both Fairfield and Hazel Bank. From the plans it is clear that the ridge height of the extended dwelling would be higher than both these adjacent properties. Whilst it is acknowledged that proposed extended dwelling would be higher and would be a true two storey dwelling set between two Chalet-style bungalows, the street scene plans are unable to truly reflect the site circumstances and how it would be viewed on site within the street scene. The application dwelling is set approximately 20 metres back from the street which significantly reduces its overall prominence within the street scene. The first floor of the extended dwelling would be set in 2 metres from the north-east boundary and 3 metres from the south-west boundary which exceeds the guidance detailed above and would ensure that appropriate spacing is retained to prevent a terracing effect. The traditional hipped roof design also reduces the bulk and massing of the dwelling and its prominence within the street scene. In addition, whilst it cannot be solely relied upon, the extensive screening along the boundaries further limit the views of the dwelling particularly when approaching from the north-west and also prevents the application dwelling being read in context with of Hazel Bank and Fairfield. As such, it is not considered that the creation of a first floor level and the resultant increase in ridge height of the dwelling would result in it becoming unduly prominent within the street scene so as to cause harm sufficient to justify refusal of planning permission.
- 7.1.5 The proposed works to the rear which include a reduction in the overall depth of the dwelling at ground floor level and the replacement of the double pitched roof with a flat roof would not be readily visible from public vantage points along Solesbridge Lane and would therefore not impact on the street scene. The alterations are considered an improvement and do not adversely affect the character and appearance of the host dwelling.

- 7.1.6 As previously mentioned above the character of Solesbridge Lane is varied with a variety of external materials evident. As such it is not considered that the appearance of the extended dwelling to include white render at first floor with grey tiled roof would appear out of keeping with the general street scene.
- 7.1.7 Therefore, the proposed development would not result in any demonstrable harm on the visual amenities or character of the street scene in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies LDD and Policy 2 of the Chorleywood Neighbourhood Plan (2021)
- 7.2 Impact on amenity of neighbours
- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that two storey development should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties. Development should not incorporate balconies, or first floor conservatories which overlook neighbouring properties to any degree.
- 7.2.2 Comments were received during the application process with concerns that the proposed development would have a detrimental impact on neighbouring residential amenity. Whilst the proposed development would increase the height and bulk and massing of the building, the first floor extension would be built relatively in line with the rear elevations of both Hazel Bank and Fairfield and would not intrude on a 45 degree splay line taken from a point on the respective shared boundaries. As such, it is not considered that the proposed first floor extension and increase in ridge would result in loss of light or become an overbearing form of development to the detriment of either neighbour. The alterations to the ground floor rear projection would reduce the overall depth of the built form at ground floor level and would also reduce the height by replacing the double pitched roof with a flat roof and this would reduce the prominence of this element and is seen as an improvement.
- 7.2.3 In terms of overlooking, the Design Criteria states that windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m (from internal floor level) and obscure glazed. High level windows with a sill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 7.2.4 The proposed glazing located within the front and rear elevations of the first floor extension would primarily overlook the site frontage and private amenity space of the application site and would not result in any direct overlooking to neighbouring amenity. It is noted that the application site backs onto the private gardens of properties along Wyatts Road however there is distance of approximately 29 metres to the rear boundary and substantial screening along the boundary, and therefore it is not considered that any overlooking or loss of privacy would occur to these properties at the rear.
- 7.2.5 The proposal does include the insertion of glazing within the flank walls of the first floor extension. The windows would serve non-habitable rooms (bathroom and stairwell) and the plans detail that these windows would be fitted with obscure glazing and would be non-opening below 1.7metres above internal floor level which would prevent any direct overlooking. A condition would be attached to ensure this. Whilst there are concerns received regarding the perception of overlooking from these windows it is not considered

on this occasion that the windows cause unacceptable harm so as to justify refusal of planning permission in this regard.

- 7.2.6 In summary, subject to a condition for the first flank windows to be obscure glazed and top opening, it is not considered that the proposed development would result in any significant adverse impact on neighbouring dwellings and the development would be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### 7.3 Amenity Space

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD states that 'amenity space must be provided within the curtilage of all new residential developments'.

- 7.3.2 The application site currently benefits from a private amenity space which measures approximately 320sq. metres. The proposed development would result in the dwelling containing four bedrooms which should benefit from amenity space provision of 126sqm. The existing space is considered to be sufficient in size to continue to provide adequate amenity space to serve the application dwelling.

### 7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

- 7.4.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken. However, given the nature of the works an informative on any consent would advise the applicant of what to do should bats be discovered during the course of development.

### 7.5 Trees and Landscaping

- 7.5.1 The application site contains a number of trees and are mature vegetation along the boundaries, however none of these trees are afforded protection by a tree preservation order. The proposed development would not result in the loss of any trees.

### 7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out at Appendix 5 of said document.

- 7.6.2 The proposed development would result in the dwelling containing four bedrooms which the Parking Standards require three off street parking spaces. The submitted block plan

indicates that the frontage of the site could accommodate two vehicles however following a site visit it is evident that there is sufficient space for three spaces. Whilst the proposal would result in the loss of the integral garage the frontage of the application site consists of a gravelled driveway which is of a sufficient size to provide adequate provision for three vehicles to accord with the Parking Standards.

## **8 Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03 REV-A, 04, 05, SL01 REV-A and BP01 REV-A.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Plan (2021).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Before the first occupation of the building/extension hereby permitted the first floor window(s) in the north-east elevation facing Hazel Bank shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C5 Before the first occupation of the building/extension hereby permitted the first floor window(s) in the south-west elevation facing Fairfield shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a

dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).